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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/726,808

12/02/2003

Luis Elenes

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4114

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7590

06/24/2008

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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

SEVERSON, JEREMY R

ART UNIT

PAPER NUMBER

3653

NOTIFICATION DATE

DELIVERY MODE

06/24/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/726,808	Applicant(s) ELENES, LUIS	
	Examiner Jeremy Severson	Art Unit 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,13,17-20,24 and 28-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-6,24 and 28-32 is/are allowed.
- 6) ☒ Claim(s) 13,17-20,33 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4 June 2008 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13, 17, 20, 33 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Izumi (JP 1-261161).

Re claim 13, Izumi discloses a media processing apparatus, comprising: a rotatable member 20; and at least one resilient finger 20a connected to the rotatable member, the at least one resilient finger configured to engage a trailing edge of a sheet medium and lift the trailing edge upward and over the rotatable member as the rotatable member rotates, wherein the rotatable member is configured to rotate in a direction, and wherein the at least one resilient finger is configured to bend opposite to the direction upon contact with a face of the sheet medium, wherein the at least one resilient finger is

configured to have a retracted position and an extended position, wherein the at least one resilient finger is configured to be placed in the retracted position by contact with a face of the sheet medium and to return to the extended position when the contact is removed, wherein the rotatable member defines a radius, wherein the at least one resilient finger includes a distal portion configured to be disposed inside the radius in the retracted position and outside the radius in the extended position, and wherein the at least one resilient finger includes a thinned region defined by a recessed portion (the tip is thicker than the region closer to the rotatable member) disposed on a side of the at least one resilient finger at which the at least one resilient finger bends selectively in response to the contact with the face of the sheet medium.

Re claim 17, Izumi discloses the apparatus of claim 13, wherein the at least one resilient finger includes a plurality of spaced resilient fingers. See, e.g., fig. 1.

Re claim 20, Izumi discloses the apparatus of claim 13, wherein the at least one resilient finger is connected integrally to the rotatable member. See, e.g., fig. 1.

Re claim 33, Izumi discloses the apparatus of claim 13, wherein the recessed portion is disposed on a side of the at least one resilient finger toward which the at least one resilient finger bends selectively in response to the contact with the face of the sheet medium. See fig. 1.

Re claim 34, Izumi discloses the apparatus of claim 13, wherein the recessed portion is provided in a proximal portion of the at least one resilient finger. See fig. 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Izumi in view of Nicol (3,704,793).

Re claims 18 and 19, Izumi discloses everything except Izumi does not explicitly disclose a colorant application mechanism. Nicol teaches placing colorant on the sheet medium before the carrying, in order to convey information. See Nicol, col. 1. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a colorant application mechanism in the apparatus of Izumi in order to convey information.

Allowable Subject Matter

Claims 1, 3-6, 24 and 28-32 are allowed.

Response to Arguments

Applicant's arguments with respect to claims 13, 17-20, 33 and 34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy Severson whose telephone number is (571)272-2209. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey, can be reached on 571-272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeremy Severson/
Examiner, Art Unit 3653

/Patrick H. Mackey/
Supervisory Patent Examiner, Art
Unit 3653